

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

**ERIE COUNTY ENVIRONMENTAL  
COALITION, PENNENVIRONMENT,  
INC. and THE GAIA DEFENSE LEAGUE,  
Plaintiffs**

**V.**

**MILLCREEK TOWNSHIP SEWER  
AUTHORITY AND MILLCREEK  
TOWNSHIP,  
Defendants**

**CIVIL ACTION NO. 05-59 ERIE  
ELECTRONICALLY FILED**

**JUDGE COHILL**

**SUPPLEMENTAL AFFIDAVIT OF GEORGE W. RIEDESEL**

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF ERIE

**SS:**

I, GEORGE W. RIEDESEL , first being duly sworn on oath and under penalty of perjury,  
hereby states as follows:

1. I am the Executive Director of the Millcreek Township Sewer Authority ("MTSA") and the Millcreek Water Authority. I have been Executive Director/Manager of MTSA since June 8, 1998.

2. I received a B.S Degree in Civil Engineering from the University of Cincinnati in 1972. I am a registered Professional Engineer in the Pennsylvania, New York and Ohio. Since

receiving my degree in civil engineering, I have spent much of my professional life working on the operation, planning and construction of sanitary sewer systems.

3. As Executive Director of MTSA, I am familiar with the sanitary sewer system and the storm water sewer system in Millcreek Township. The sanitary system in Millcreek Township is separate from the storm water sewer system in Millcreek Township. Thus, Millcreek has a separate storm water conveyance system to handle storm water, and it does not use the sanitary system to convey storm water. The Millcreek sanitary sewer system has a service population just under 50,000.

4. The contracts for the 2.3 million gallon retention tank system and Kearsarge Pump Station upgrades have been awarded and all of those contracts have been signed. MTSA and Millcreek are scheduled to meet the April 25, 2007 deadline under the 2003 COA.

5. Based upon my knowledge of the Millcreek sanitary sewer system in the Kearsarge area, if MTSA and Millcreek are required to remove the Kearsarge overflow before the 2003 COA improvements (i.e., the 2.3 million gallon retention tanks and pump station upgrades) are completed, MTSA would have no ability to manage the flows that would occur at the Kearsarge pump station if a significant storm event hit the Millcreek area. As a result, the sewer lines feeding the pump station will begin to back up and the pump station wet well will begin to fill.

6. The backup in the sewer lines will lead to sewage backing up into people's homes. It is believed that dozens (or more) of homes could be impacted under such a scenario. This will cause property damage to these homes and present an increased health risk to the residents of those homes.

7. The backup in the sewer lines eventually also will cause manhole covers to "pop off." The manhole covers popping off create several problems. First, the flows out of the manholes will run across Township streets and possibly private property before ending up in Walnut Creek. Thus, flows will continue to enter Walnut Creek. Second, those flows also have the potential to cause property damage and an increased health risk. Third, the missing manhole covers present a safety risk to both vehicles and individuals.

8. The backup into the pump station wet well ultimately will overflow into the rest of the pump station and then outside of the pump station. Once the flows reach outside the pump station, those flows will quickly reach Walnut Creek. A backup at the pump station would create the risk of damaging both existing equipment at the pump station as well as the new construction required under the 2003 COA. Under the worst-case scenario, the pump station is knocked out of service, which would impair its ability to operate under normal conditions.

9. If the Court issues an order requiring MTSA to install an electronic monitor on the Kearsarge Pump Station overflow, it would take MTSA at least six to seven months to have an operating monitoring unit. It would take engineers about two months to create a design document, since the cost of an electronic gauge would trigger the requirement for public bidding. The required public bidding, together with the bonding and insurance requirements, typically add another two months. The contractor would need about two months to order the equipment and complete the work. Finally, it typically takes about a month to schedule the calibration of the unit. An actual overflow would also be required to calibrate the equipment. Thus, MTSA would either have to wait for the next overflow to naturally occur (which may be months or longer) or would have to purposely induce an overflow situation to properly calibrate the equipment.

10. One potential problem with installing an electronic gauge on the overflow is that it is believed that the existing overflow line was an old storm sewer line. As such, it is suspected that the piping will not accommodate an electronic gauge. Consequently, in order for the gauge to even work properly, the overflow piping would have to be replaced. This could create permitting problems with PADEP, which would serve to further extend the schedule.

11. It is estimated that the electronic gauge alone would cost between \$25,000.00 to \$35,000.00, and that the pipe replacement could cost \$40,000.00. Thus, the combined cost of the futile project would be \$65,000.00 to \$75,000.00.

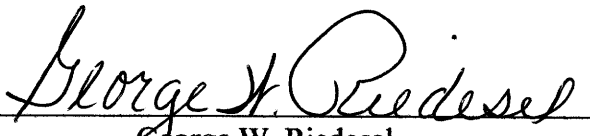
12. Contrary to Plaintiffs assertion, MTSA and Millcreek have experienced no economic benefit out of this situation.

13. Neither MTSA nor Millcreek has refused to implement a project based on it costing too much.

14. MTSA and Millcreek have not delayed taking any action in an effort to save money.

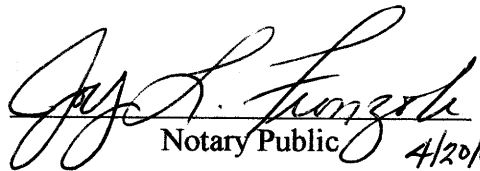
15. With respect to economic impact of the penalty on MTSA and Millcreek, any additional penalty will be borne by the users of the system and the taxpayers of Millcreek Township and that the cost of sewer usage in Millcreek Township has increased by 63% since 1999.

16. To date, MTSA and Millcreek have paid \$103,500.00 in civil penalties during the time period covered by Plaintiffs' Complaint to the present.

  
George W. Riedesel

Sworn to and subscribed before me

this 20 day of April, 2006.

  
Notary Public 4/20/06

